



**Stratham Planning Board
Meeting Minutes
January 11, 2012
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Martin Wool, Chairman
Jeff Hyland, Secretary
Bruno Federico, Selectmen's Representative
Robert Baskerville, Member
Jameson Paine, Alternate
Tom House, Alternate
Mary Jane Werner, Alternate

Members Absent: Mike Houghton, Vice Chairman

Staff Present: Lincoln Daley, Town Planner

1. Call to Order/Roll Call.

The Chairman took roll call and welcomed new member Tom House to the Planning Board in his role as alternate. The Chairman explained that he had been asked to address agenda item number three first as it a short presentation.

2. Review/Approval of Meeting Minutes.

November 16, 2011
December 7, 2011

Mr. Daley recommended that the minutes be tabled until the next possible meeting. The Board agreed.

3. Public Meeting(s).

Areta Caley (on behalf of Margaret Barker Trust), 70 Winnicutt Road, Tax Map 14 Lot 61. Preliminary Consultation for a 3- Lot Minor Subdivision Application

The Chairman explained that as this is a public meeting rather than a hearing, so no notices were sent out to abutters, however, when it reaches the formal stage, abutters will be notified.

1 Bruce Scamman from Emmanuel Engineering introduced himself as representing the
2 applicants Areta and Jeff Kaley. Referring to the conceptual design, Mr. Scamman informed
3 the Board that the parcel is approximately 6.5 acres and the applicants are looking to
4 subdivide the parcel into three lots. The first lot has two hundred and fifty feet frontage on
5 Winnicutt Road and one hundred feet on Spring Creek, the next lot has approximately two
6 hundred and two feet on Spring Creek and the remaining lot has approximately four hundred
7 feet of frontage on Spring Creek. Mr. Scamman explained the applicants are looking at the
8 option of having the frontage considered on Spring Creek and accessing that lot through a
9 long driveway that goes through lot one, crosses lot two and then goes to Lot three in the
10 rear. All of the lots are at least two acres and meet the soil requirements by the Town.
11

12 Mr. Federico asked if Spring Creek was a Town road. Mr. Scamman said it was a private
13 road. Mr. Scamman continued that if the Board referred to Mr. Daley's memo, it states that
14 RSA 674:35 allows for private roads to be used as frontage in sub divisions although the
15 applicants will need to go before the Board of Selectmen for additional approval for that to
16 be considered as frontage. Mr. Federico inquired why they wanted to do a driveway off of
17 Winnicutt if using Spring Creek as frontage. Mr. Scamman explained that his clients are in
18 the process of working with Spring Creek's Homeowner's Association to work on the
19 possibility of having driveways coming off of Spring Creek, but at this point, there has been
20 no concrete agreement so they wanted to bring it before the Board as one possibility. Mr.
21 Federico said his preference would be to have the driveways off of Spring Creek.
22

23 Mr. Daley reminded the Chairman that tonight's process should be for a public meeting and
24 ran through the process for that.
25

26 The Board members continued to ask Mr. Scamman questions; Ms. Werner asked if the
27 future owner of Lot three would have to purchase additional property to have the driveway
28 coming off of Spring Creek Road. Mr. Scamman said it shouldn't be a problem. Mr.
29 Baskerville asked about soils. Mr. Scamman showed him where the wet soils are located on
30 both the plan and aerial photograph. Mr. Baskerville asked if any test pits have been done
31 yet. Mr. Scamman replied they are currently in the process of organizing them. Mr.
32 Baskerville then asked about where a well would be located. Mr. Scamman showed several
33 possible locations and said the State allows for wells to be in wetland areas. Mr. Baskerville
34 commented that Lot three looked very tough from a soils and wetland perspective and
35 thought it would be a good idea if the Board did a site walk to take a better look at it.
36

37 The Chairman asked Mr. Scamman to go over the driveway situation again. He then asked if
38 there was going to be an access easement. Mr. Scamman confirmed there would be. Mr.
39 Paine said that having 2 access easements was a concern for him. Mr. Scamman said that on
40 the opposite side of Spring Creek there was a lot created and an access easement was created
41 parallel to Spring Creek some years ago. Ms. Werner said it would probably be preferable if
42 an agreement could be reached with the Spring Creek Association than to put in a completely
43 new roadway. Mr. Hyland asked if anything else could prevent the access coming off of
44 Spring Creek. Mr. Scamman said there wasn't. Mr. Paine asked if there were any
45 community facilities in the existing subdivision such as wells or septic? Mr. Scamman said

1 he believed that they are all individual wells and septic. The Chairman asked if the lot
2 owned by Brad Jones has been developed yet.
3

4 Mr. Daley explained the conceptual plan in more detail. The Chairman asked what the
5 reality was of the Spring Creek Association agreeing to the accesses. Mrs. Caley said she has
6 been trying to explain to the Association what she is trying to do but hasn't had a definitive
7 answer from them yet, but she knows several members are in the audience. The Chairman
8 commented that he would understand Spring Creek's reluctance agreeing to the access
9 easements. He continued that if the Association does agree, there is a hill that needs to be
10 taken into consideration for two of the proposed driveways. Mr. Scamman said that most of
11 the steep hill goes into the front lot.
12

13 Mr. Paine asked what was on the backside of the lot on the Spruce Creek street side. Mr.
14 Scamman replied that there are some woods and a property.
15

16 Mr. Daley made the applicant aware that with any proposal that is brought before the
17 Planning Board, whether it is an access easement or driveways off of Spring Creek Lane, the
18 applicant should be cognizant of the impact on neighboring properties. He continued that he
19 is aware that there is a tree line that runs parallel to Spring Creek Lane on this property and
20 asked the applicant to try and preserve as much of that tree line as possible to enhance the
21 overall community and insulate properties. Mr. Daley made the Board aware that there is
22 actually 250 feet of frontage on Winnicutt Road and an alternative option for this parcel
23 could be to have a pork chop lot as it meets the necessary criteria.
24

25 The Chairman opened up the public meeting to the public.
26

27 Mr. Brad Jones, abutter, commented on the tree line saying if the driveway goes in as shown
28 on the plan, the tree line would be wrecked. Myra Citren, resident of Spring Creek Lane said
29 she had consulted with all but one home owner on Spring Creek and the feeling is that they
30 are much vested in preserving the ascetics of the neighborhood, although they understand
31 that development happens. Their hope is that if this development goes ahead, it will be done
32 in a way that is ascetically pleasing. Mrs. Citren continued that at this point the Association
33 is not interested in making new accesses off of Spring Creek Lane because firstly it is a
34 narrow road, and secondly it wasn't a neighborhood that was conceived to accommodate six
35 homes.
36

37 Next, the steepness of the road was discussed. One property owner commented that he
38 thought the steepest part of the road has an 11% grade. Mrs. Citren added that property
39 owners can't get up the hill regularly during winter because of how steep the road is. Mr.
40 Scamman said he could do some measurements to calculate the exact grades
41

42 Tom Gough, 68 Winnicutt Road, said he was unhappy about the proposed access especially
43 as there are three wells within twenty five feet of where the access is going to be which
44 would impact him. If the road is proposed and accepted he wanted to know if it could go all
45 the way up to his property boundary. The Chairman said there were no setbacks for roads
46 bordering property lines. Bill Arsenal, abutter voiced his interest in exploring what it would

1 take to make Spring Creek a public road. The Chairman mentioned that it would cost a lot of
2 money to bring the road up to the Town's specifications.
3

4 The Chairman asked if the Association would be willing to sit down with the developer to
5 have a discussion. There was nobody in a position to give the Chairman a definitive answer.
6 One of the abutters asked how they would be notified when the next meeting will take place
7 concerning this development. The Chairman explained that when the developer makes a
8 formal application, all abutters would be informed of the next meeting so they can attend.
9 Mr. Gough, commented that he hoped the Board members walk the site before any decisions
10 are made. The Chairman said they would. Another abutter asked if it would be possible to
11 move the road over to the left of Spring Creek. Mr. Scamman explained there would be
12 difficulty because of wetland issues.
13

14 4. Public Hearing(s)

- 15 a. Pursuant to NH RSA 674:16, 675:3, and 675:7, notice is hereby given of public hearings
16 to be held by the Stratham Planning Board on January 11, 2012 beginning at 7:00pm at
17 the Stratham Municipal Center located at 10 Bunker Hill Avenue, Stratham NH. The
18 purpose of the hearing is to review and solicit public comment on the proposed
19 amendments to the Stratham Zoning Ordinance which would amend the following
20 Sections:
21

22 **Town Warrant Article – Rezone Route 108 Corridor Parcels.** To see if the Town will
23 vote to amend the Official Zoning Map of the Town of Stratham pursuant to Section 3.2
24 to rezone all or portions of twenty-two (22) parcels of land, known and numbered as
25 follows: Map 13 Lot 36, Map 13 Lot 44, Map 13 Lot 67, Map 13 Lot 68, Map 13 Lot 69,
26 Map 13 Lot 77, Map 13 Lot 78, Map 13 Lot 79, Map 13 Lot 80, Map 13 Lot 81, Map 13
27 Lot 82, Map 13 Lot 83, Map 13 Lot 84, Map 13 Lot 85, Map 13 Lot 86, Map 13 Lot 87,
28 Map 13 Lot 88, Map 13 Lot 89, Map 13 Lot 95, Map 13 Lot 96, Map 13 Lot 97, and Map
29 13 Lot 98 from their current zoning designation of Professional / Residential (PRE) to the
30 Town Center District (TC).
31

32 The Chairman started by addressing a concern raised by a Town resident about the
33 posting of the notice concerning agenda item number four. He explained that the posting
34 was put in a newspaper and in two public places within the Town at appropriate times.
35 However, he commented, that at the bottom of the notice it says "copies of all materials
36 and related information can be found on file with the Planning Department. All
37 interested persons may appear and be heard etc." The Chairman felt that is misleading as
38 the Town resident concerned, went to the Building and Planning department and was told
39 it was not available. The Chairman asked the Board if that would be considered a
40 significant enough flaw to cancel the public hearing. Ms. Werner felt it was. Mr. Daley
41 explained that the information was available, but unfortunately not at that point in time
42 when the person came in. Mr. Daley reminded the Board that this is not a one night
43 public hearing process and that it requires a minimum of two public hearings so there will
44 be ample time for everybody who is interested in this article to voice their comments.
45 Ms. Werner amended her statement as she wasn't aware another public hearing would be
46 held, but suggested enclosing a copy of the map with the notice next time. Mr. Daley

1 said that would be taken care of as part of the second notification process. The Chairman
2 said his concern is that the Town does this the most correct way possible.
3

4 Mr. Federico made a motion to open the public hearing. This was seconded by Mr.
5 Hyland and the motion was passed unanimously. The Chairman opened the public
6 hearing.
7

8 The Chairman asked Ms. Werner to be a full voting member. Ms. Werner accepted.
9

10 Mr. Daley made a presentation about the rezoning. He explained that Stratham doesn't
11 have a traditional New England Town Center; and during the last few months there has
12 been an interest in examining the issue of potentially expanding the current Town Center
13 boundaries. The reason for this Mr. Daley explained is to create a viable pedestrian
14 orientated and community based down town. Mr. Daley continued that unfortunately the
15 current Town Center isn't recognized nor does it offer amenities that would attract people
16 consistently. The expansion is also to expand economic development. There are
17 additional uses for properties in the Town Center zone which are not currently available
18 in the Professional/Residential zone. Traffic flow would need to be improved on the
19 Route 33 and College Road. Mr. Daley then showed a table of allowed uses within the
20 two zones and highlighted them for everybody. He mentioned that during the charrettes
21 there was a strong demand for alternative uses, one being restaurants and additional retail
22 uses. Mr. Daley explained that currently the infrastructure meaning water and sewer
23 restricts those uses. Mr. Daley also highlighted the key differences; reduced frontage and
24 decreased front setbacks. Mr. Daley then explained that in the past they have tried to
25 expand the Town Center outwards rather than down the Route 33, but this was met with
26 opposition.
27

28 Mr. Daley continued his presentation saying that the current rezoning proposal was
29 chosen due to the current retail businesses that have been grandfathered within the zone.
30 He said that one issue is that the Professional/Residential zone is about half a mile long
31 and that with the suggested rezoning of that district, there about ten properties currently
32 in the Professional/Residential zone that will remain in that zone. Mr. Daley expected
33 those property owners to question this suggestion.
34

35 The Chairman talked about the Board's concerns about doing a rezoning all the way
36 down to the Gateway District and including the Bunker Hill area. The Board feels the
37 voting public might feel that the Board is just trying to make the whole corridor
38 commercial and if some sort of Professional/Residential buffer still exists it might be a
39 more palatable idea. He explained that another concern are the historical buildings that
40 are currently outside of the Town Center and it would be nice to have them included as
41 part of the Town Center.
42

43 Ms. Werner asked how many businesses are grandfathered in the suggested rezoned area.
44 Mr. Daley answered five or six and added that the Professional/Residential zone was
45 added in to allow for office space to occur commenting it hasn't prospered as much as
46 was hoped for that area of Town. Mr. Daley continued that with the rezoning, additional

1 uses will exist which would hopefully bring that area up. Mr. Hyland asked if part of this
2 rezoning idea was to fix the current situation and commented that he feels the suggested
3 rezoning isn't really capturing the desires of achieving a Town Center that offers walk
4 ability or creates a sense of place. Mr. Daley stressed that this idea is just a concept. Mr.
5 Hyland asked if walk radiuses were used as a measure to determine an extended Town
6 Center zone. Mr. Daley replied that they were not and they had only looked at what is
7 currently zoned to see what was viable for being rezoned. Mr. Daley continued that there
8 was a desire expressed during the charrettes to make the Town Center a destination and
9 not somewhere to pass through and said the Board has to work with this proposal to see if
10 it will work or be modified going forward.

11
12 Ms. Werner said that the Town Committee had discussed rezoning in detail and had
13 never considered rezoning the Town Center so far down. They did discuss bringing in
14 the church and a couple of other things on the other side of the road. She added that she
15 didn't think anybody from the charrettes envisioned a Town Center quite as big as this
16 current proposal.

17
18 Mr. Daley asked about Piper's Landing or the Millbrook Office Building as there have
19 been discussions in the past about people being able to walk to those two places. The
20 Chairman said it could also be the same idea that was proposed next to the Fire Station,
21 having a cluster of village shops around it.

22
23 Mr. Baskerville said they are talking a lot about the Town Center, but there are no
24 restrictions being added, such as the architecture of buildings having to be a certain style.
25 His understanding is that more freedom is being given.

26
27 Mr. Hyland asked what had caused this idea of rezoning the Town Center district. Mr.
28 Federico said that several property owners had tried to sell their properties but have had
29 difficulty doing so and they want to change the uses but they can't and used the Wingate
30 House as an example. Mr. Baskerville asked if the zone can be changed, but limit the size
31 of the retail uses based on square feet to allow small retail uses instead of large ones. Mr.
32 Daley said in order to do that, more time would be required and he doubts that could be
33 done in time for the Town Meeting in March. Mr. Paine asked if the regulations could be
34 updated to coincide with the design criteria the Board has already established in the
35 Business District. Mr. Daley said it would be one possibility.

36
37 The Chairman suggested the Board go through a progressive answer and question
38 session. He asked if the Board was in agreement that the Town Center area should be
39 expanded in the direction suggested. Mr. Hyland feels it should be expanded but not in a
40 linear fashion. Ms. Werner feels this particular suggested rezoning extends too far down
41 and a lot of it doesn't blend in with what is currently in the Town Center. Mr. Federico
42 said if the Town Center zone is made too big it will dilute the importance of the Town
43 Center and some people are having difficulty selling their properties. The Chairman said
44 the way to address that issue is by making the rest of the Professional/Residential district
45 all the way down to Bunker Hill Avenue a hybrid, Professional/Office/Commercial zone,
46 giving those properties more flexibility in their usage.

1 Mr. Federico invited Mr. Bob Cushman, property owner the opportunity to speak.
2

3 Mr. Cushman took the floor. He said that he felt the zoning wasn't being done correctly
4 and two things haven't been considered; firstly the volume of traffic on Route 108 and
5 secondly the size of lots. Mr. Cushman pointed out that governmental and state
6 cooperation will be required for parts of the zone and nothing will happen without that.
7 He feels that there are some good buffers at the moment.
8

9 Mr. Fred Emmanuel spoke next agreeing with the majority of Mr. Cushman's comments.
10 Mr. Federico asked if Mr. Emmanuel would support additional uses for the
11 Professional/Residential zone rather than changing the actual zone. Mr. Emmanuel said
12 he would be in favor of that and made the observation that in other parts of the country
13 they have mixed use zones. He added that he couldn't envisage anybody wanting to walk
14 along Portsmouth Avenue, although he felt that having walkways between businesses
15 would be a good thing.
16

17 Mr. Cushman spoke again. He commented on the lack of parking. Mr. Emmanuel said
18 also that most people don't want to have to park their cars a mile away from where they
19 want to go shopping. People prefer to park right in front of the shop or business they are
20 visiting.
21

22 Mr. Paine said it would be good to carry the density footprint from the Gateway District
23 up into the Town Center area. He didn't envisage having sidewalks along the Route 108.
24 Mr. Baskerville said the Planning Board wouldn't be able to tackle that idea this year as
25 it's too late to notify people. He asked if the Board could tweak the zone now and look
26 into the idea of defining the Town Center in more detail throughout 2012.
27

28 Mr. Baskerville addressed Mr. Emmanuel's comments about allowing smaller
29 professional offices, saying that businesses would probably want more square footage
30 and might get around it by purchasing several properties and ripping them down. He
31 envisaged coffee shops and Mom and Pop stores. Mr. House commented on the idea of
32 roads running parallel to the Route 108, but pointed out the problems with wetlands.
33

34 Mr. Federico said he is in favor of looking at adding additional uses to the
35 Professional/Residential zone which would help property owners straight away. Mr.
36 Hyland thought it was a good idea, but commented that the one caveat is how the Board
37 deals with a change in use. Mr. Baskerville replied an applicant would need to do a
38 change of use site plan. Mr. Hyland said if the change was very subtle it could be
39 difficult for the Board to enforce a change of use site plan. Mr. Baskerville and Mr.
40 Daley explained that the applicant would come in and apply for permits which would
41 trigger the process.
42

43 Mr. Cushman asked Mr. Daley if it was possible to have an open end zoning to allow
44 certain businesses on Route 108. Mr. Hyland referred to the previous Stratham College
45 as that had a mixed use development. Mrs. Cushman asked the Chairman if they can
46 change the uses in the Professional/Residential zone this year. Mr. Daley said taking the

1 requirements from the State concerning public notices, the Board probably couldn't meet
2 the requirements. Ms. Werner said that she didn't think the Town would pass this
3 rezoning idea and doesn't feel it fulfills the purpose of the charrettes.
4

5 Mr. Hyland said that he feels they are talking about two different things; the linear
6 corridor and the Town Center. He would prefer the Town Center was expanded in a
7 radius fashion. Mr. Federico suggested not scrapping the rezoning idea, but to look at
8 modifying it. He put forth the suggestion of including Emery Lane and the Decker
9 property. Ms. Werner repeated what the wishes of the Town Committee were. The
10 Board suggested perhaps calling it the historic district. Mrs. Cushman said she thought it
11 was a good idea to rezone it, but there also needed to be restrictions put in place to
12 protect the historic buildings. Mr. Daley and Mr. House agreed. Mr. Paine felt that they
13 should either scrap the idea or bring it to a point that is non confrontational. Mr.
14 Baskerville agreed with Mr. Paine.
15

16 Mr. Daley said rather than rezoning year after year, it would be better to set one new zone
17 and concrete regulation and zoning boundaries which will be more understandable. Mr.
18 Deschaine, Town Administrator asked what the current restrictions were in the Town
19 Center. Mr. Daley said there is a forty percent development coverage area and one acre
20 zoning and the setbacks are sixty feet off of the Route 33 and twenty five feet on sides
21 and rear.
22

23 Mr. Paine said if the Board are looking at an eight hundred feet buffer area which cuts
24 off Mr. Emmanuel's back parcels, it doesn't make the best use of his land and he asked
25 Mr. Emmanuel if he would be happy to have them included in whatever zone that may be
26 turned into. Mr. Emmanuel said he agreed.
27

28 Mr. Federico made the motion to recommend removing consideration of this warrant
29 article at this year's 2012 annual Town meeting. The motion was seconded by Mr.
30 Baskerville. The motion was carried unanimously. Ms. Werner made a motion to close
31 the public hearing. The motion was seconded by Mr. Baskerville. The motion was
32 carried unanimously.
33

- 34 **b. Town Warrant Article – Zoning Ordinance, Section 5.8.4 Applicability.** To see if the
35 Town will vote to amend the Stratham Zoning Ordinance, Section 5.8.4 Applicability to
36 allow workforce housing as a permitted use within the Special Commercial District by
37 Conditional Use Permit.
38

39 Mr. Daley explained that this agenda point is to correct a current administrative
40 oversight. Mr. Federico made the motion that the Planning Board supports this article as
41 written and recommends said approval of this article for presentation at the Town
42 meeting. Mr. Hyland seconded the motion. The motion was carried unanimously.
43

44 **5. Miscellaneous.**

- 45 a. Report of Officers/Committees.
46

1 Mr. Baskerville confirmed the Storm Water Management Committee would be meeting on
2 January 31, at 4:PM.

3
4 Ms. Werner asked if anybody would be planning on attending the budgetary meetings. Mr.
5 Daley said he provided the Board with a schedule. The Chairman commented that he was
6 hoping to attend all of the meetings. Ms. Werner hoped to make one. Mr. Federico will be
7 attending too.

- 8
9 b. Member Comments.
10 c. Other.

11
12 **6. Adjournment.**

13
14 Mr. Hyland made a motion to adjourn the meeting at 9:34PM. Ms. Werner seconded the motion.
15 The motion was carried unanimously.

16
17